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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,353	03/01/2002	John P. Huss JR.	(TYCO DOCKET)	3066
7590	11/12/2004		EXAMINER	
Joseph A. Tessari, Esquire TYCO TECHNOLOGY RESOURCES Suite 450 4550 New Linden Hill Road Wilmington, DE 19808-2952			TRINH, MINH N	
			ART UNIT	PAPER NUMBER
			3729	
			DATE MAILED: 11/12/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/087,353	HUSS ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Minh Trinh	3729

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 03 September 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 1 and 12-21 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 2-11 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____.   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/8/03; 2/9/04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

### DETAILED ACTION

1. Applicants' election with traverse of Group I (claims 2-11) in the reply filed on 9/3/04 is acknowledged. Also, it is agreed that claims 28-34 as referred in the Office action is a typographical error therefore, the subsequent restriction of Groups II and III are hereby withdrawn. Further, Applicants' traverse of the requirement for election of invention II is noted, asserting that there is no serious burden on the examiner to examine inventions of Groups I, II and III together. This is not found persuasive because the inventions of Group I, II and III each have a separate status in the art and clearly have a separate field of search, and the search required for Group I is not required for Group II and III. Moreover, these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper. In accordance with MPEP §803, the examiner has demonstrated that the inventions of Group I, II and III are each independent or distinct as claimed and a serious burden would be placed on the examiner in as much as the searches are not coextensive and the art is quite prolific Accordingly, the requirement is repeated and **MADE FINAL**.

2. Claims 1 and 12-21 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected inventions, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 9/3/04. An Office action on the merits of claims 2-11 as follows.

***Specification***

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The following title is suggested: "Apparatus for installing pin connectors" or the like.
  
4. The abstract of the invention should be revised to readable on the claimed apparatus.

***Claim Objections***

5. "An apparatus" (claims 3-8 and 10-11) should have been: --The apparatus--, to place the claim(s) in proper dependent formats.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:  

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
7. Claims 2-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The following are examples:
  - a) Regarding claims 2-11, the word "means" is preceded by the word(s) i.e., "a support surface means" (claim 2, line 3); "an encapsulation means" (claim 3, line 2); "an epoxy means"(claim 4, line 2); and many others, etc., in an attempt to use a "means" clause to recite a claim element as a means for performing a specified function.

However, since no function is specified by the word(s) preceding "means," it is impossible to determine the equivalents of the element, as required by 35 U.S.C. 112, sixth paragraph. See *Ex parte Klumb*, 159 USPQ 694 (Bd. App. 1967).

b) the scope of claims directed to an apparatus for installing pin connector and the body of the claims appear to be directed to a product such as "a connector and its structural elements" which make the scope of the claims unclear. Therefore, Applicant should make the language of the claim consistent with applicant's intent. In formulating a rejection on the merits, the examiner is considering that the claims are drawn to an apparatus for installing connector and the claims will be rejected accordingly.

#### ***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 2 and 9 as best understood are rejected under 35 U.S.C. 102(b) as being anticipated by Resch (4,503,610).

Resch discloses an apparatus for installing pin connector comprising: a pin array 12, a support surface means 10 and an enclosure means 30 for receiving the support surface means wherein said array is at least partially enclosed within said enclosure means 30 (see Figs. 1-2, depicts an apparatus 1 for installing pin connector 10 having the above configuration requirements).

Limitation of claim 9 is also satisfied as the discussion set forth above.

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

11. Claims 3-7 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Resch.

As applied to claims 3-7 and 10. Regarding the encapsulation and bonding means. These concepts are old and well known in the art. Therefore, it would have been an obvious to one ordinary skill in the art at the time the invention was made to employ the teachings above onto the invention of Resch in order to form a desired structure.

Furthermore, it would have been an obvious matter of design choice to choose the support means including encapsulation and bonding means for the pin array, since

applicant has not disclosed that these features are critical, patentably distinguishing features and it appears that the invention would perform equally well with the support structural elements as shown in the prior art reference (see Resch's Figs. 1-2).

Limitations of claims 4-7 and 10 are also met as set forth above.

12. Claims 8 and 11 rejected under 35 U.S.C. 103(a) as being unpatentable over Resch. As applied to claims 8 and 11 it is inherent as to form a pin array partially enclosed with in a guide pin as well as within an encapsulation means in order to maintain the pin array in the support means.

#### ***Prior Art References***

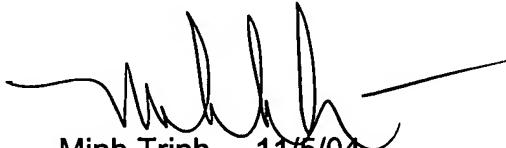
13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Prior art references are cited for their teaching of apparatus for installing connector or the like.

#### ***Conclusion***

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Trinh whose telephone number is (703) 305-2887. The examiner can normally be reached on Monday -Thursday 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on (703) 308-1789. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Minh Trinh 11/5/04  
Primary Examiner Group 3700

mt